

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AUTO WAREHOUSING COMPANY,
INC.,

Plaintiff,

v.

ELLE PLACEMENT INC., *et al.*,

Defendants.

CASE NO. C22-5072-LK

ORDER GRANTING STIPULATED
MOTION TO TRANSFER

This matter comes before the Court on the parties' stipulated motion to transfer this case to the United States District Court for the Eastern District of California at Sacramento. Dkt. No. 28. The parties request the transfer pursuant to 28 U.S.C. § 1404(b), which provides that "[u]pon motion, consent or stipulation of all parties, any action, suit or proceeding of a civil nature or any motion or hearing thereof, may be transferred, in the discretion of the court, from the division in which pending to any other division in the same district." Transfer is not appropriate under that section because the parties are not seeking a transfer to another division in the same district; they seek a transfer to another district. Dkt. No. 28 at 1.

However, based on the substance of the parties' stipulation and proposed order, it appears that they intended to request transfer under 28 U.S.C. § 1404(a), which provides that "[f]or the convenience of parties and witnesses" and "in the interest of justice," a district court "may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented." Because the parties have consented by stipulation to transfer this case to the United States District Court for the Eastern District of California at Sacramento, Dkt. No. 28, the Court may transfer the case there. *Atl. Marine Constr. Co. v. United States Dist. Court*, 571 U.S. 49, 59 (2013) (explaining that Section 1404(a) permits transfer to any district where venue is proper "or to any other district to which the parties have agreed by contract or stipulation.")).

Accordingly, the Court GRANTS the stipulated motion, Dkt. No. 28. The Clerk shall transfer this case to the United States District Court for the Eastern District of California at Sacramento.

Dated this 31st day of May, 2022.

Lauren King

Lauren King
United States District Judge